

Governor's Office of Crime Control & Prevention

Directive: 02-2010

Subject: Policy for Responding to Discrimination Complaints from Clients, Customers, Program Participants, or Consumers of GOCCP and GOCCP's Sub-recipients.

Effective date: February 12, 2010

Director's signature: _____



I. Purpose

The purpose of this policy is to establish procedures for State Administering Agency (SAA) employees (GOCCP) to follow when they receive a complaint alleging discrimination from clients, customers, program participants or consumers of GOCCP or of a GOCCP sub-recipient implementing funding from the U.S. Department of Justice (DOJ).

II. Policy

All clients, customers, program participants, or consumers of GOCCP or of our sub-recipients have the right to participate in programs and activities operated by GOCCP or its sub-recipients regardless of race, color, national origin, sex, religion, and disability. Sub-recipients are required to comply with all applicable federal laws regarding discrimination as a condition of implementing funding from DOJ and certify compliance with the following statutes upon acceptance of the grant award:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in the delivery of services (42 U.S.C. § 2000d), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;
- The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;

- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
- Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I.
- The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38).

These laws prohibit agencies from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

III. Complaint Procedures

1. Discrimination complaints from clients, customers, program participants or consumers of our sub-recipients may be filed using the GOCCP website: See the heading Civil Rights Compliance Obligations. A form developed by the Maryland Department of Budget and Management's EEO office is provided for filing complaints.
2. Discrimination complaints will be referred to either of the following state or federal agencies and complainants will also be informed that they may file complaints with the DOJ Office of Civil Rights.

Maryland Commission on Human Relations

St. Paul Street, 9th Floor
Baltimore, Maryland 21201
Phone: 410-767-8600

United States Equal Employment Opportunity Commission

10 South Howard Street, 3rd Floor
Baltimore, Maryland 21201
Phone: 410-962-3932

3. Upon receipt of a complaint, the GOCCP Civil Rights Complaint Coordinator will notify in writing the Department of Justice Office for Civil Rights (OCR) that a complaint has been filed.
4. A general condition requires that sub-recipients have procedures in place for responding to discrimination complaints from clients, customers, program participants or consumers of the subrecipient filed directly with the subrecipient. The general condition also requires that the complaint be forwarded to the United

States Equal Employment Opportunity Commission or the Maryland Commission on Human Relations. GOCCP must also be notified of the referral. Program monitors will include addressing this as part of their compliance checklist for site visits.

5. Notice of prohibited discrimination for clients, customers, program participants or consumers of our sub-recipients will be achieved through posting policies and complaint procedures on the GOCCP website, placing posters in our GOCCP office and referencing prohibited discrimination in program materials, and distributing copies of complaint procedures in training sessions and other public events that occur.

IV. Training

1. GOCCP staff will be trained on complaint procedures, including the employee's responsibility to refer discrimination complaints from clients, customers, program participants, or consumers of subrecipients to the GOCCP Complaint Coordinator.
2. Policy and procedures will be posted on the GOCCP website and copies distributed to all employees.

